

**REMARKS**

Favorable reconsideration of the application is respectfully requested in light of the amendments and remarks herein.

Upon entry of this amendment, claims 19-31 will be pending. By this amendment, claims 19-23, 25-27 and 29-30 have been amended and new claim 31 has been added.

**§102 Rejection of Claims 19-30**

In Section 3 of the Office Action, the Examiner has rejected claims 19-30 under 35 U.S.C. §102(e) as being unpatentable over Kawamura et al. (US 2002/0008763 A1; hereinafter referred to as "Kawamura"). This rejection is respectfully traversed below.

Claim 19 has been amended, as shown above. Claim 19 calls for:

19. (Currently Amended) An information processing apparatus including a CPU, a display unit, a general purpose data input section, and a graphic user interface for displaying windows on said display unit, the apparatus further comprising:

an operation member for activating a first image capture application program from a plurality of application programs when said operation member is operated to be in a first position, wherein at least one of the plurality of application programs is not related to image processing;

an imaging unit for capturing an image of an object in response to operation of said operation member, wherein the image is captured by said imaging unit when said operation member is operated to be in said first position and a window is displayed on said display unit by means of said graphic user interface showing an image related to the captured image, and wherein said window is displayed on said display unit in front of any other window related to another application program for as long as said operation member is in said first position; and

a recording unit for recording the captured image if said operation member is moved from said first position to a second position.

Accordingly, in one aspect of claim 19, the information processing apparatus includes a CPU, a display unit, a general purpose data input section, and a graphic user interface (GUI). The apparatus employs an operation member to activate or “call” an image capture application program. The image capture application is selected from a plurality of application programs, at least one of which is not related to image processing (e.g., is not related to the capture, recording, and/or editing of images). The apparatus includes an imaging unit that captures an image of an object when the operation member is operated to be in a first position (e.g., a button is half-pressed). During the time the operation member is in the first position, the GUI displays a window containing an image related to the captured image in front of any other window displayed on the display unit. The apparatus contains a recording unit for recording the captured image when the operation member is moved from said first position to a second position (e.g., the recording unit stores the image to memory when a button is fully pressed from a half-pressed position).

The present invention is advantageous in that when the operation member is operated to be in the first position, an image capture application program selected *from a plurality* of application programs is activated. This feature adds to the functionality and flexibility of the claimed information processing apparatus. The ability to run multiple programs, including those not related to image processing, is not typically found in conventional image processing apparatuses (e.g., cameras).

While Claim 19 has been amended, were the arguments presented by the Examiner in rejecting claim 19 over the Kawamura on page 2 of the Office Action applied to amended claim 19, it does not appear that those arguments would establish how Kawamura shows or suggests

claim 19. In Section 3, the Examiner cites Figure 5 and sections [0044] to [0046] of Kawamura as disclosing an apparatus capable of selecting an application program among a plurality of application programs. These sections appear to address how the user can switch “modes” by inputting information with a pen-like “pointer” on the back of the apparatus. However, the cited sections do not appear to show how the apparatus “activates” or “calls” an application program from a plurality of programs, at least one of which is not related to image processing, in response to the operation of an operation member (i.e., button), as called for in amended claim 19. It does not appear that different operating modes are the same as application programs, because a mode does not necessarily involve the typical aspects of activating a program, such as loading a program into memory and initiating a process to execute the program. In Section 3, the Examiner refers to sections [0024] and [0045] of Kawamura as disclosing “a controller for activating an application program corresponding to the operation detected by the detector...”. In the cited passage, it appears that the operation of a member, or button, does not “call forth” or “activate” a program that implements the image capturing functions. Rather, it appears that a user presets the camera to a photograph “mode” (e.g., by a manual switch) that allows image capture to automatically occur upon the push of a button. In other words, pushing a button only initiates the steps the camera is already preset to perform. In claim 19, operating the operation member to be in a first position (e.g., half-pressing a button) calls forth or activates the program that will allow the apparatus to perform the image capture functions *that it is not otherwise preset or built to perform*. The apparatus of claim 19 can perform various functions and operations as defined by the application programs available to the apparatus. Therefore, it does not appear that the Examiner has established how pressing a button, as disclosed in section [0024] of Kawamura, activates or “calls” an image capture program into operation, as called for

in amended claim 19. Without further explanation by the Examiner, it is submitted that the Examiner has not established how the cited combination of Kawamura shows or suggests this aspect of claim 19.

In another aspect of claim 19, in response to the operation of the operation unit to be in a first position, the image capture application program is activated and an image is captured. A window containing an image is displayed for the image capture application program in front of any other window related to another application program, while the operation member is in the first position. Even assuming Kawamura discusses an information processing apparatus (e.g., a camera), the Examiner does not appear to address how the cited portion of Kawamura shows or suggests this aspect of claim 19. Though the Examiner states in section 3 of the last office action that *the previewed image is inherently displayed as being priority over any other images displayed on the same display during previewing the image*, amended claim 19 calls for the display of a *window* in which an image appears, wherein that window is displayed in front of any other *windows* (not only images) *that are related to another application program*. This claim language clarifies that the window is visible over other windows for other application programs. It does not appear that the Examiner has explained how the cited apparatus, a camera, displays any *windows* at all. By extension, it does not appear the Examiner has established how the cited section suggests displaying a window in front of other windows. Without further explanation by the Examiner, it is submitted that the Examiner has not established how the cited combination of Kawamura shows or suggests this aspect of claim 19.

In yet another aspect of claim 19, the image capturing feature is only one feature of the described apparatus. The manner in which this application program is activated differs from that of conventional information processing apparatuses (e.g., personal computers). In claim 19, the

program producing the image processing functionality is “activated” or “called” by the operation of an operation member (e.g., a button). Upon the activation of this program, the image processing functions become available to allow the apparatus to perform image processing functions.

Accordingly, it does not appear that the Examiner has established how Kawamura, as referenced by the Examiner in rejecting claim 19, shows or suggests at least these aspects of amended claim 19, and so it is submitted that the Examiner has not established how Kawamura shows or suggests amended claim 19 as a whole. Claims 20-22 depend from claim 19, and it is also submitted that the Examiner has not established how Kawamura shows or suggests claims 20-22, through their dependence on claim 19. Similar arguments apply to claims 23 and 27, and so to claims 24-26 that depend from claim 23, and to claims 28-30 that depend from claim 27.

Regarding claim 22, claim 22 has been amended, as shown above. Claim 22 reads:

22. (Currently Amended) The information processing apparatus according to claim 19, wherein said recording unit begins recording a motion image captured by said imaging unit in response to said operation member being operated to be in said second position a first time and stops said recording in response to said operation member being operated to be in said second position a second time.

Claim 22 requires the operation member to be operated to be in a second position (e.g., a button is pushed down completely) a first time to initiate recording of a motion image and to be operated to be in the second position a second time (e.g., a button is pushed down completely again) to stop recording a motion image.

While claim 22 has been amended, were the arguments presented by the Examiner in rejecting claim 22 over Kawamura on page 4 of the Office Action applied to amended claim 22, it does not appear that these arguments would establish how Kawamura shows or suggests claim

22. The Examiner asserts the cited sections of Kawamura (steps S2-S10, Fig. 3, [0028] and [0030]) demonstrate recording an image in response to a shutter release button being fully pressed a first time and stopping recording when the button is still kept pressed in a next cycle. From this description, it appears the Examiner is stating that the shutter button is continually pressed to start and stop recording. In the present invention, two operations are required to start and stop recording. In claim 22, the operation member is operated to be in the second position once to start recording and once to stop recording. Further, amended claim 22 requires recording of a *motion* image, rather than a still image. It does not appear that the cited portion of Kawamura discloses recording of a motion image by pushing a button twice. In fact, it does not appear that a motion image is mentioned in the cited passage. Absent further explanation by the Examiner, it appears that the cited portion of Kawamura does not show or suggest this aspect of claim 22.

Accordingly, it does not appear that the Examiner has established how Kawamura, as referenced by the Examiner in rejecting claim 22, shows or suggests at least these aspects of amended claim 22, and so it is submitted that the Examiner has not established how Kawamura shows or suggests amended claim 22 as a whole. Similar arguments apply to claims 26 and 30.

Based upon the foregoing, it is submitted that claims 19-30 are not anticipated by nor rendered obvious by the teachings of Kawamura, as presented and referenced by the Examiner. Accordingly, it is submitted that the Examiner's rejection of claims 19-30 based upon 35 U.S.C. §102(e) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

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New Claims

•       New claim 31 depends from claim 19. As discussed above, it is submitted that the rejection of claim 19 has been overcome. Therefore, it is submitted that claim 31 should be allowable.

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**CONCLUSION**

In view of the foregoing, entry of this amendment, and the allowance of this application with claims 19-31 is respectfully solicited.

In regard to the claims amended herein and throughout the prosecution of this application, it is submitted that these claims, as originally presented, are patentably distinct over the prior art of record, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. Changes to these claims, as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. §§101, 102, 103 or 112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

In the event that additional cooperation in this case may be helpful to complete its prosecution, the Examiner is cordially invited to contact Applicants' representative at the telephone number written below.

The Commissioner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account 50-0320.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP

By:



Samuel S. Lee, Reg. No. 42,791 for

William S. Frommer

Reg. No. 25,506

(212) 588-0800